

EXHIBIT 35

1 UNITED STATES DISTRICT COURT FOR THE
2 SOUTHERN DISTRICT OF NEW YORK
3 - - -
4 GOVERNMENT OF THE UNITED : Case Number:
5 STATES VIRGIN ISLANDS : 1:22-cv-
6 Plaintiff, : 10904-JSR
7 v. :
8 JPMORGAN CHASE BANK, N.A. :
9 Defendant/Third-Party :
Plaintiff. :

10
11 JPMORGAN CHASE BANK, N.A. :
12 Third-Party Plaintiff, :
v. :
13 JAMES EDWARD STALEY :
14 Third-Party Defendant. :

15
16 APRIL 28, 2023
17 HIGHLY CONFIDENTIAL
18
19 Videotaped deposition of
20 KEVIN McCLEEREY, taken pursuant to
21 notice, was held at the law offices of
22 Porzio, Bromberg & Newman, P.C., 100
23 Southgate Parkway, 3rd Floor, Morristown,
24 New Jersey 07960, commencing at
9:13 a.m., on the above date, before
Amanda Dee Maslynsky-Miller, a Certified
Realtime Reporter and Notary Public in
and for the State of New York.

25
26 GOLKOW LITIGATION SERVICES, INC.
27 877.370.3377 ph | 917.591.5672 fax

1 A. No. No. No securities.

2 Q. Did limiting Mr. Epstein to
3 banking and custody only mitigate the
4 risk presented by Mr. Epstein?

5 MR. BUTTS: Objection to
6 form.

7 You may answer.

8 THE WITNESS: I think
9 Jeffrey Epstein -- yes, I would
10 say yes, it did.

11 BY MS. OLIVER:

12 Q. How?

13 A. We were not expanding the
14 relationship based on the reputational
15 risk that we knew of at the time in
16 October of 2006.

17 Q. Did limiting him to being a
18 banking-only client in any way limit the
19 risk presented by Mr. Epstein?

20 MR. BUTTS: Objection.

21 You may answer.

22 THE WITNESS: It should
23 have.

24 BY MS. OLIVER:

1 Q. How so?

2 A. We would have less accounts,
3 or a -- we would cap the number of
4 accounts and relationships with him.

5 Q. Did it limit his ability to
6 make cash withdrawals in amounts for
7 \$40,000 to \$80,000 several times a month?

8 A. No.

9 Q. Did it limit his ability to
10 send wires to women?

11 A. There were no limitations,
12 no.

13 Q. Did it limit his ability to
14 send wires to girls?

15 A. I don't recall what
16 Mr. Epstein did with those accounts. But
17 there were no limitations on his banking
18 accounts, just from what I remember.

19 Q. At the time of the rapid
20 response meeting in 2006, what was the
21 risk posed by Mr. Epstein to JPMorgan?

22 A. Reputational risk.

23 Q. What was the nature of the
24 reputational risk posed by Mr. Epstein to

1 alerts?

2 A. No.

3 Q. So we talked about -- we
4 talked about the tools that you could use
5 to do your job.

6 I take it from some of the
7 prior e-mails, did your team's task
8 include searching for negative news
9 articles about Private Bank clients?

10 A. That was a separate group in
11 the bank, the global security services
12 group. So any time a DDR was sent
13 through the process, it went to global
14 security services.

15 And they would -- they had
16 different databases, and it would trigger
17 any negative news for clients, they would
18 send that back to the banker, and to
19 somebody on my team, to indicate there
20 was some negative news about the client.

21 And it's certain if we saw
22 an article in a local paper, we would
23 escalate that.

24 Q. So there was a sort of

1 automated process that sent you or a
2 member of your team an alert about a
3 negative news article on a client?

4 A. Yes.

5 Q. And were those negative
6 articles stored anywhere upon receipt?

7 A. It would always be retained
8 by global security services. And the
9 reference to the article should have been
10 attached or made part of the KYC form.
11 They were called Red Dots, for some
12 reason.

13 Q. And this is the Red Dot
14 memo?

15 A. Yeah. That's the Red Dots,
16 yeah.

17 Q. And I take it that the head
18 of the asset management business didn't
19 receive Red Dot memos?

20 A. No.

21 Q. And either did the head of
22 the investment bank?

23 A. No.

24 Q. You testified that you did